

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sonia Landino	Team: Squad #15	CCRB Case #: 201505886	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/17/2015 8:00 AM	Location of Incident: In front of 340 Jay Street	Precinct: 84	18 Mo. SOL 1/17/2017	EO SOL 1/17/2017	
Date/Time CV Reported Fri, 07/17/2015 8:19 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 07/17/2015 9:09 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Natasha Purrier	12076	949515	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Petlyn Job	13847	928545	084 PCT
2. SGT Melissa Charles	5177	936334	084 PCT
3. POM David Torres	23593	935859	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Natasha Purrier	Discourtesy: PO Natasha Purrier spoke rudely to § 87(2)(b)	
B.POF Natasha Purrier	Abuse: PO Natasha Purrier photographed § 87(2)(b)'s identifications, in violation of Patrol Guide Procedure 203-06.	
C.POF Natasha Purrier	Abuse: PO Natasha Purrier issued a retaliatory summons to § 87(2)(b)	

Case Summary

On July 17, 2015, § 87(2)(b) filed this complaint via telephone with the Internal Affairs Bureau, generating IAB Log No. 2015-20961 (see Board Review 04). That same day, § 87(2)(b) also filed this complaint with the CCRB via telephone.

On July 17, 2015, at approximately 8 a.m. PO Natasha Purrier and PO Petlyn Job of the 84th Precinct responded to a dispute between food cart vendors at 340 Jay Street in Brooklyn. Upon the officers' arrival, they spoke with food cart vendor § 87(2)(b). § 87(2)(b) told the officers that his boss may have called 911 because another food cart was illegally operating in the same area and that his food cart had a court order allowing him to operate in the area. PO Purrier requested § 87(2)(b)'s identifications and court order, but § 87(2)(b) was unable to provide the requested information at the time of the request. PO Purrier informed § 87(2)(b) that if he did not produce the requested documentation, then he would have to leave the location and he could be arrested for disobeying a lawful order to leave. § 87(2)(b) questioned PO Purrier on the reason why she would arrest him and PO Purrier allegedly told § 87(2)(b) "Get the fuck out of here with this bullshit" (**Allegation A**). A verbal altercation ensued between PO Purrier and § 87(2)(b) which led PO Purrier to request additional units to the scene. Shortly thereafter, Sgt. Melissa Charles and PO David Torres, who was the sergeant's operator, of the 84th Precinct responded to the incident location. § 87(2)(b) eventually provided his identifications to Sgt. Charles, who then gave § 87(2)(b)'s identifications to PO Purrier and directed PO Purrier to summons § 87(2)(b) for food cart violations. PO Purrier did not have any summonses in her possession at the time of the incident, so she photographed § 87(2)(b)'s identifications with her personal cell phone and left the incident location to obtain summonses from the 84th Precinct stationhouse (**Allegation B**). When PO Purrier returned to the incident location, she summonsed § 87(2)(b) for failure to wear a food vendor license, failure to display a vendor permit, uncovered food, and disorderly conduct for refusal to disperse (see Board Review 01). Sgt. Charles did not direct PO Purrier to issue a disorderly conduct summons § 87(2)(g). § 87(2)(b) (**Allegation C**). Once PO Purrier gave § 87(2)(b) his summonses, all of the officers left the incident location.

Independent witness § 87(2)(b) who was standing outside the Municipal Credit Union located at 350 Jay Street in Brooklyn, observed PO Purrier verbally interact with § 87(2)(b) at the incident location. § 87(2)(b) also personally spoke with § 87(2)(b) regarding his rude behavior and use of profanity towards PO Purrier and PO Job. § 87(2)(b) and the officers involved in this case indicated that § 87(2)(b) was working inside § 87(2)(b)'s food cart throughout the entire incident and did not interact with officers.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation when he initially filed this complaint on July 17, 2015 and during his CCRB interview on July 24, 2015.
- As of September 1, 2015, § 87(2)(b) has not filed a Notice of Claim with the New York City Office of the Comptroller in regards to the incident (see Board Review 23).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed against PO Purrier during her 5 year tenure.
- § 87(2)(b) has filed one previous CCRB complaint § 87(2)(b) (see Board Review 27).

Potential Issues

- On August 26, 2015, § 87(2)(b) provided a sworn CCRB statement over the phone. He was unable to finish providing his witness statement at the time of the phone call and requested that the undersigned investigator call him back at a later time that same day. § 87(2)(b) was called at the requested time, but he did not answer the phone call. That same day, a verification letter was mailed to § 87(2)(b) which has not been returned by the United States Postal Service. The undersigned investigator contacted § 87(2)(b) an additional four times in an attempt to finish his telephone interview, but was unsuccessful in reaching § 87(2)(b). To date, § 87(2)(b) has not responded to the undersigned investigator's subsequent contact attempts to finish providing his sworn CCRB statement, but his interview verification form was received at the CCRB on September 22, 2015.

Findings and Recommendations

Allegation Not Pleaded

- **Abuse of Authority:** § 87(2)(g)

Allegation A –Discourtesy: PO Natasha Purrier spoke rudely to § 87(2)(b)

On July 17, 2015, at 9:09 a.m., § 87(2)(b) filed this complaint via telephone with the CCRB. During the Intake call, § 87(2)(b) alleged that when he first started speaking with PO Purrier, she told him, “Get the fuck out of here with this bullshit.” When the Internal Affairs Bureau contacted § 87(2)(b) at 9:44 a.m. that same day, § 87(2)(b) alleged that PO Purrier told him, “You think this is a game? You think I have time for this bullshit?” (see Board Review 4). When § 87(2)(b) provided a sworn CCRB statement on July 24, 2015, he alleged that PO Purrier stated, “Get the fuck out of here with this bullshit.” According to § 87(2)(b) he was calm and cooperative with the officers throughout the incident.

PO Purrier, PO Job, and Sgt. Charles corroborated that § 87(2)(b) had been rude, loud, and disrespectful throughout the entire incident. PO Purrier indicated that when she informed § 87(2)(b) that he could not stay at the location if he did not provide the requested documentation, § 87(2)(b) stated, “Get the fuck out of here, I’m not leaving. Call your supervisor.” When PO Purrier was asked if she used profanity against § 87(2)(b) during the incident, she admitted that she did not recall. Although PO Job was standing next to PO Purrier throughout most of the incident, she did not corroborate PO Purrier’s statement that § 87(2)(b) had used profanity. PO Job also stated that she did not hear PO Purrier use profanity against § 87(2)(b) during the

incident. Sgt. Charles stated that while she was present at the incident location, she did not hear PO Purrier use profanity against § 87(2)(b)

According to § 87(2)(b)'s phone statement and sworn CCRB statement, § 87(2)(b) made the following statements to PO Purrier: "I don't have to fucking show you anything. Get the fuck out of here. I got a court order. I don't got to fucking show you shit." After observing § 87(2)(b)'s disrespectful behavior, § 87(2)(b) approached § 87(2)(b) and told him not to speak to the officers in such a rude manner. § 87(2)(b) stated that § 87(2)(b) had also used profanity against him by stating, "Fuck you too. How many times you got fucking arrested?" § 87(2)(b) specified that throughout the incident, all of the officers were polite and professional while speaking to § 87(2)(b) and did not use profanity against him.

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Abuse of Authority: PO Natasha Purrier photographed § 87(2)(b)'s identifications, in violation of Patrol Guide Procedure 203-06.

§ 87(2)(b) was consistent during his phone and sworn CCRB statements when he alleged that after PO Purrier was in possession of his driver's license and food vendor license, he observed PO Purrier photograph his identifications with her personal cell phone.

PO Purrier admitted that once she obtained § 87(2)(b)'s identifications, she did not have anything to write on and did not have the summonses in her possession so she quickly photographed § 87(2)(b)'s identifications and drove back to the 84th Precinct stationhouse to retrieve summonses. PO Purrier further admitted that she did not obtain consent from Sgt. Charles or § 87(2)(b) before photographing § 87(2)(b)'s identifications. PO Purrier admitted that she did have her memo book at the time of the incident, but she did not recall if her memo book was on her person. Sgt. Charles observed PO Purrier photograph § 87(2)(b)'s identifications with her personal cell phone, but specified that PO Purrier did not have any summonses in her possession at the time so PO Purrier photographed § 87(2)(b)'s identifications to assist her in writing the summonses once she retrieved them from the 84th Precinct stationhouse. However, Sgt. Charles indicated that she did not provide consent nor was she asked for her consent by PO Purrier to photograph § 87(2)(b)'s identifications. Sgt. Charles also stated that PO Purrier had

her memo book at the time of the incident, but she did not know whether PO Purrier's memo book was on her person or inside her police vehicle.

According to Patrol Guide Procedure 203-06, officers are prohibited from using any personal electronic/digital device, such as a cellular phone or camera, to record video and/or audio or take photographs during any police encounter. While the use of recording technology may be advantageous in the context of certain enforcement initiatives, members may only record encounters when prior supervisory authorization is obtained and when authorized Department technology is utilized (see Board Review 22).

§ 87(2)(g)

Allegation C – Abuse of Authority: PO Natasha Purrier issued a retaliatory summons to

§ 87(2)(b)

It is undisputed that PO Purrier issued a disorderly conduct summons to § 87(2)(b) for refusing to disperse. PO Purrier noted on the summons that § 87(2)(b) stated, "I am not leaving" (see Board Review 1). By § 87(2)(b)'s account, he was calm and cooperative throughout his interaction with the officers. § 87(2)(b) never indicated that PO Purrier ordered him to leave the location; only that PO Purrier told him she was going to tow his food cart.

At the onset of the incident, PO Purrier requested § 87(2)(b)'s vendor license and food cart's documentation. By § 87(2)(b)'s admittance, he did not provide his vendor license when PO Purrier initially made the request and he was unable to produce the food cart's documentation because he did not have the documentation in his possession at the time. According to PO Purrier, she informed § 87(2)(b) that he had to leave the location immediately since he was unable to produce the requested documentation to prove he was legally able to vend food. PO Purrier stated that § 87(2)(b) became irate and told her, "Get the fuck out of here, I'm not leaving. Call your supervisor." PO Purrier informed § 87(2)(b) that by disobeying a lawful order to leave the location, he could be arrested for acting disorderly. PO Purrier did not recall if a crowd had formed during the incident.

PO Job corroborated with PO Purrier that § 87(2)(b) was irate and spoke rudely towards them when he was repeatedly requested to produce his identification and food cart vendor documentation. However, PO Job did not mention that § 87(2)(b) used profanity against them and she did not know if § 87(2)(b) was ever told to leave the location during the incident. PO Job stated that § 87(2)(b) was not under arrest at any point during the incident, but believed he was in violation of disorderly conduct because he was being "irrational, ignorant, and loud." PO Job did not have any conversation with PO Purrier regarding issuing summonses to § 87(2)(b) and she did not hear Sgt. Charles instruct PO Purrier to summons § 87(2)(b) PO

Job also indicated that a crowd did not form as a result of the officers' interaction with § 87(2)(b) § 87(2)(b)

When Sgt. Charles arrived at the incident location, she observed a crowd of less than ten civilians who were observing the incident, but none of the observers intervened. During her initial observation of § 87(2)(b) Sgt. Charles described his behavior and tone of voice as "rude, irate, upset, ignorant, belligerent, and uncooperative." Sgt. Charles was unable to describe § 87(2)(b) § 87(2)(b)'s aforementioned behavior. PO Purrier eventually informed Sgt. Charles that § 87(2)(b) § 87(2)(b) was being rude, disrespectful, and would not comply with her order to provide his identification and food cart documentation. PO Purrier told Sgt. Charles that she wanted to arrest § 87(2)(b) but Sgt. Charles decided that § 87(2)(b) should be summonsed instead. After speaking to § 87(2)(b) and obtaining his identification and documentation, Sgt. Charles directed PO Purrier to issue a parking summons and several other summonses for health code violations related to the food cart. Sgt. Charles could not recall conversing with PO Purrier about issuing a disorderly conduct summons and she could not recall if PO Purrier informed her that § 87(2)(b) would be summonsed for disorderly conduct. Sgt. Charles specified that the only order § 87(2)(b) did not comply with was failing to provide documentation and that he was never told to leave the incident location. During her presence at the incident location, Sgt. Charles believed § 87(2)(b) was in violation of disorderly conduct for causing public alarm by his loud tone of voice and for failing to comply with a lawful order to provide documentation.

§ 87(2)(b) was present at the incident location because he was waiting for a branch of the Municipal Credit Union to open. He stated that throughout his observation of the incident, § 87(2)(b) § 87(2)(b) was rude and used profanity against the officers. He did not observe § 87(2)(b) provide the officers any identification or documentation, but he did overhear PO Purrier inform § 87(2)(b) that he would have to move his food cart if he did not produce the requested documentation. § 87(2)(b) spoke to § 87(2)(b) about his behavior towards the officers, which caused § 87(2)(b) to also use profanity against § 87(2)(b) § 87(2)(b) indicated that one or two civilians had also watched the officers' interaction with § 87(2)(b) but they did not attempt to intervene. A crowd had not formed and the incident did not cause any public alarm.

According to New York State Penal Law §240.20 (6), a person is guilty of disorderly conduct when, "with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he congregates with other persons in a public place and refused to comply with a lawful order of the police to disperse" (see Board Review 18). A person may be guilty of disorderly conduct only when the situation extends beyond the exchange between the individual disputants to a point where it becomes a potential or immediate public problem. People v. Weaver, 16 N.Y.3d 123,129 (2011) (see Board Review 21). Factors to be considered in determining if a person's conduct constitutes disorderly conduct include: (1) the extent to which the person's conduct annoyed others; (2) whether the person persisted in the conduct after warnings by the police; (3) whether the person's conduct created at least the risk that disorder might result; and (4) whether the person's conduct occurred in a public location. People v. Dennis, 13 Misc. 3d 41 (2006) (see Board Review 19).

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

Pod: 15

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date